



## TEXAS HEALTH AND HUMAN SERVICES COMMISSION

### **Enrollment Contract Amendment Instructions**

#### **Open Enrollment Period – July 1, 2014 to July 31, 2014 for DIRECT CARE STAFF COMPENSATION RATE ENHANCEMENT for Nursing Facilities**

In response to direction from the 76<sup>th</sup> Texas Legislature (Article II, Department of Human Services, Rider 38, H.B. 1, 76<sup>th</sup> Legislature, Regular Session, 1999), the Health and Human Services Commission (HHSC) Rate Analysis adopted rules at Title 1, Texas Administrative Code (TAC) §355.308 to establish procedures for Nursing Facilities (NFs) contracted to the Texas Department of Aging and Disability Services (DADS) to obtain additional funds for increased staffing for registered nurses (RNs), licensed vocational nurses (LVNs), medication aides, and certified nurse aides. As per these rules, providers who choose to participate in the enhancement program and receive additional funds must demonstrate compliance with enhanced staffing requirements. Participating providers are also required to spend at least 85 percent of their direct care staff Medicaid revenues on direct care staff compensation costs for Medicaid residents, or the difference between 85 percent of direct care staff revenues and direct care staff compensation costs is recouped by the state. At no time will a participating facility's direct care rate after spending recoupment be less than the direct care base rate.

### **GENERAL ENROLLMENT INSTRUCTIONS**

All providers contracted to DADS for eligible services received an Enrollment Notification letter or an Enrollment Limitation letter. Both letters are available on this website listed below for your reference:

<http://www.hhsc.state.tx.us/Rad/long-term-svcs/>

**This website is an important tool during Open Enrollment.** All forms, worksheets and instructions are accessed from the website by clicking on your program from the website above under the "Services" heading. Next, scroll to the heading "Rate Enhancement – Direct Care Staff Compensation." Click on the link "View 2015 Rate Enhancement – Direct Care Staff Compensation information." All instructions below regarding the location of specific materials for Open Enrollment begin with the assumption that you are on this page for your program (hereafter referred to as "Rate Enhancement webpage for your program").

### **ENROLLMENT CATEGORIES**

For the fiscal year 2015 enrollment, all facilities fall into one of two categories.

**Category 1: Facilities that received an “Enrollment Limitation” letter** for the fiscal year 2015 enrollment. A list of facilities receiving this letter is available on the Rate Enhancement webpage for your program.

**Category 2: All other facilities** (those that did not receive a limitation letter). Contract numbers for these facilities do not appear on the list described above “Contracts Receiving 2015 Limitation Letter.” These providers received an Open Enrollment Notification Letter. Both letters are accessible on the above Rate Enhancement webpage for your program.

### **ENROLLMENT FEATURES FOR ALL FACILITIES**

For all facilities (whether in Category 1 or 2), the following features apply for the fiscal year 2015 enrollment.

1. The highest enhancement level that any facility may request is Level 27.
2. No facility may request a level higher than its current level plus three additional levels.
3. Levels are awarded within available funds, and it is possible that a facility will not be awarded the level it requests due to limited funding for the enhancement program. No new funds have been appropriated for this program. As a result, increases in enhancement levels will only be possible if other facilities choose to reduce their levels or are subject to enrollment limitations as described below.

### **ENROLLMENT LIMITATIONS FOR FACILITIES IN CATEGORY 1**

Facilities in Category 1 are subject to the following enrollment limitations.

1. These facilities will not be enrolled in the direct care staff enhancement at a level higher than the level they achieved on their fiscal year 2012 report.
2. The only exception to this limitation is for facilities that submit an acceptable Request for Revision Report (RFR) that shows they are currently staffing above the level indicated by their fiscal year 2012 report.

### **WHO SUBMITS WHAT**

1. Only facilities in Category 1 may submit a RFR.
2. Only facilities in Category 2 and facilities in Category 1 – Enrollment Limitation Group 3 may submit an Enrollment Contract Amendment (ECA). These facilities should submit an ECA if they wish to change their level from their current level of enrollment. Facilities in Category 2 and Category 1 – Enrollment Limitation Group 3 that do not submit an acceptable ECA will remain at their current level of enrollment for fiscal year 2015. Enrollment Limitation Groups for facilities in Category 1 are listed on our website in the “Contracts Receiving 2015 Enrollment Limitation Letter” element described above.

### **ENROLLMENT WORKSHEETS AND INSTRUCTIONS**

Enrollment Worksheets and Instructions to help you determine the appropriate level of enrollment for your contract are available on our Rate Enhancement webpage for your program. Locate and open the “Enrollment Worksheets” and “Enrollment Worksheets Instructions” elements.

## TRAINING

In order to assist you in understanding the requirements of the NF Direct Care Staff Enhancement, a training webinar has been scheduled for July 17, 2014 from 9:00 – 10:30 a.m. The webinar will be recorded and posted on our website. The training will be approximately one and one-half hours long and will cover the following:

- Proper completion of the Enrollment Worksheets;
- Proper completion of the Enrollment Contract Amendment;
- Enrollment Limitations; and
- “Roll-over” enrollment.

Registration is required to participate in the webinar; no classroom-based training will be held. Training opportunities are optional for enrollment; however, participation in the webinar is highly recommended. Detailed information is available on our Rate Enhancement webpage for your program. Once you enter the website, scroll down to the heading “Training Information” and click on “View Rate Enhancement Enrollment Training Information”. Under this heading you will be able to:

- View the Training Materials;
- View the Training Schedule;
- View the Training Webinar Presentation; and
- Register for the Enrollment Webinar Training.

## ENROLLMENT CONTRACT AMENDMENT

The open enrollment for payment rates effective September 1, 2014 begins **July 1, 2014 and ends July 31, 2014**. To enroll, contracted providers must properly complete the ECA online, printed out and signed by the authorized signatory that completed the form. The signed copy can be scanned and emailed to [acres@hhsc.state.tx.us](mailto:acres@hhsc.state.tx.us) or mailed via certified, overnight or regular mail to HHSC Rate Analysis Department. **Any provider whose properly completed ECA is not received by HHSC Rate Analysis by 5:00 p.m. on July 31, 2014 will continue at the Level of Participation in effect during the open enrollment period, within available funds (unless the facility was subject to an Enrollment Limitation as described above). This continued enrollment provision is called “roll-over” enrollment.** If you are unsure of your current Level of Participation, you may look it up on our website.

A properly completed Enrollment Contract Amendment must:

1. Have a checkmark in either the “Yes, this facility chooses to enroll” or the “No, this facility chooses not to enroll” box;
2. Be signed by a person authorized on DADS signature authority designation form (form 2031) as a signatory for this contract. If you do not know who your authorized signatories are, call DADS Provider Enrollment at (512) 438-2547 or visit their website at: <http://www.dads.state.tx.us/providers/nf/signatories.cfm>;
3. Verify the fiscal year end for the entity. If incorrect, call (512) 730-7404 to have the information verified and corrected;
4. Reflect the correct 9-digit contract number and 4-digit provider number.

In addition, providers checking the “Yes” box must indicate their chosen **Level number** between 1 and 27 in the “Level” box. Please note that Level 0 is not an option.

**HHSC Rate Analysis must receive Enrollment Contract Amendment forms no later than 5:00 p.m. on July 31, 2014.** Enrollment forms that are not received by this deadline will not be accepted. If your enrollment forms are sent by regular mail, be sure to allow a sufficient number of days for the postal service to deliver the forms. To ensure that the enrollment forms are received by Rate Analysis in a timely manner, contracted providers may want to send their enrollment forms via certified mail or overnight delivery to be received before the due date. **Faxes will not be accepted.**

By September 16, 2014, HHSC Rate Analysis will post on its website a list of contracted providers and their enrollment status (i.e., participant and associated Level or nonparticipant) to be effective September 1, 2014. This list on the website will be the only notification of enrollment status provided by HHSC.

If you have any questions concerning these instructions, you may contact Guerin Heckman at [guerin.heckman@hhsc.state.tx.us](mailto:guerin.heckman@hhsc.state.tx.us) or (512) 707-6067.

If you have questions regarding the tracking/receipt of your ECA, you may contact Pat Whitaker at [pat.whitaker@hhsc.state.tx.us](mailto:pat.whitaker@hhsc.state.tx.us) or (512) 707-6094.

## **AWARDED LEVELS**

By September 16, 2014, HHSC RAD will post a list of contracted providers on its Rate Enhancement Direct Care website and their enrollment status (i.e., participant and associated level or nonparticipant) to be effective September 1, 2014. This “Participation Status – Levels Awarded” list on the website above will be the only notification of enrollment status provided by HHSC.